19/48

File No. Cotton Transport II/48

Legal **DEPARTMENT**

B **BRANCH**

Subject:— Rules and notifications under the cotton Transport Act, 1923.

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C O N T E N T S.

Legal Department File No.Cotton Transport II/48.

S.No.	R.I. / C.No.	Subject	Pages.
		Rules and Notifications under the Cotton Transport Act, 1923.	
1.	~~4601~~ 13/5/48	Sec. 3 (1) -	
	7260 21/8/48	- Draft Notification under -	1 - 5.

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Office of the R.L.A.

The draft notification at page 95 forwarded for the scrutiny of the R.L.A. is not in order.

2. The Government notification in the R.C.D. No.3939/33C, dated the 14th March 1946, prohibits the import of cotton into the protected areas of Khandesh specified therein, by rail save under a licence. The proposal of Government as approved in its letter No.11831/36878-B dated the 26th January 1948 (p.92) (which was acquiesced in by the Indian Central Cotton Committee (p.89) is to prohibit cotton into the said protected area of Khandesh by road also. The draft supplied by the Director of Agriculture at p.95,however, attempts to prohibit cotton not only by road but "by river or sea or by any one or more of such routes." The A.R.D.D. should therefore decide whether it is intended to prohibit cotton by river and sea also. Unless an import into an area by sea is possible, the prohibition by sea would not be appropriate.

3. Section 8 of the Act provides that no notification under section 3 or rule under section 7 shall be issued by the Provincial Government of any Governor's Province, unless it has been laid in draft before the Legislative Assembly of the Province and has been approved by a Resolution of that Assembly either with or without modification or addition, but upon such approval being given the notification or rule, as the case may be, may be issued in the form in which it has been so approved:

Provided that if the Provincial Legislature has two Chambers, the notification must be laid in draft before, and be approved by Resolutions of, both Chambers, either without modifications or additions, or with modifications or additions approved by both Chambers.

It is therefore clear that unless both the Legislatures of the Bombay Province approve of the notification to be issued under section 3 it is not effective. During

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section 93 regime the Bombay Legislatures were suspended and the powers thereof were exercised by the Governor of Bombay under the Proclamation issued by the Government of India Act, 1935. In virtue of the powers contained in the Proclamation all notifications under section 3 of the Act were approved by the Governor under section (vide para. 3 of the R.L.A's U.R. No.8169, dated the 2nd November 1945). But since now the Proclamation has ceased to be in force, the old constitutional position has been restored. The A.R.D.D. should, therefore, prepare a draft of the notification on the lines of the draft supplied to the R.D. under R.L.A's U.R. No.19, dated the 3rd January 1939, and send the same for the scrutiny of the R.L.A. after deciding the point raised in para. 2 above.

Sd/- P.M.LAD,
13/5.

Remembrancer of Legal Affairs.

U.R. to A. & R.D.D. No.4633, dated the 13th May 1948.

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Legal Department.

A revised draft notification is sent herewith.

2. Section 8 of the Cotton Transport Act, 1923, as amended by the Adaptation Order in Council, requires that the Resolution should be approved by both the Chambers of the Legislature. It may be first moved in either the Assembly or the Council.

Sd/- J. R. Dhurandhar,
20/8.

Additional Secretary to Government.

U.R. to A.B.D.D. No.7980, dated the 21st August 1948.

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Draft Resolution.

This Assembly / Council approves the following notification which Government proposes to issue under section 3 of the Cotton Transport Act, 1923, (III of 1923), and which has been laid in draft before the Assembly / Council in the form set forth below:-

Notification.

No. 1183-S. In exercise of the powers conferred by sub-section (1) of section 3 of the Cotton Transport Act, 1923 (III of 1923), the Government of Bombay is pleased to amend Government Notification in the Reconstruction Department, No.3939/33-C, dated the 14th March 1946, as follows:-

In clause (1) of para 2, after the word 'rail', the words 'road and river or by any one or more of such routes' shall be inserted.

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23/5.